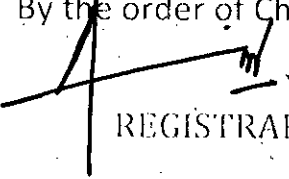


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 87/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.01.2024	<p>The implementation petition of Mr. Fazal Rehman submitted today by Mr. Hassan U.K. Afridi Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha Peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL**  
**PESHAWAR**

EXECUTION PETITION NO. 87 /2024

In

SERVICE APPEAL NO.1473/2023

FAZAL REHMAN S/O JABBAR KHAN R/O JUNGLE KHEL  
KOHAT POSTED AS SENIOR CLERK, IN THE OFFICE OF  
THE DISTRICT EDUCATION OFFICER (MALE) KDA COMPLEX  
KOHAT..... (Applicant)

**VERSUS**

Muhammad Tahir S/O Usman Ghani SENIOR CLERK, IN THE OFFICE  
OF THE DISTRICT EDUCATION OFFICER (MALE) KDA COMPLEX  
KOHAT.....(Respondent)

**I N D E X**

S. No	Description of Documents	Annex	Pages
1	Application for implementation		1
2	Affidavit		02
3	Copy of the judgment dated 28-08-2023	A.	3-7
4	Notice+ Registry	B.	8-10
5	Receipts	C.	11-14
6	Wakalatnama		15

APPLICANT

Through

Hassan U.K Afridi  
Advocate Supreme Court  
Cell No. 03009151963

Dated 18-01-2024

(1)

**BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL**  
**PESHAWAR**

EXECUTION PETITION NO. 87 /2023

In

SERVICE APPEAL NO.1473/2023

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 10684

Dated 19-1-2024

FAZAL REHMAN S/O JABBAR KHAN R/O JUNGLE KHEL  
KOHAT POSTED AS SENIOR CLERK, IN THE OFFICE OF  
THE DISTRICT EDUCATION OFFICER (MALE) KDA COMPLEX  
KOHAT..... (Applicant)

**VERSUS**

Muhammad Tahir S/O Usman Ghani SENIOR CLERK, IN THE OFFICE OF THE DISTRICT  
EDUCATION OFFICER (MALE) KDA COMPLEX KOHAT.....(Respondent)

APPLICATION FOR IMPLEMENTATION/COMPLIANCE OF  
JUDGEMENT OF THIS HONRBLE TRIBUNAL VIDE  
DATED 28-08-2023

**Respectfully Shweeth:-**

- 1) That the respondent filed a service appeal before this Honorable Tribunal, which was dismissed with costs vide dated 28-08-2023.
- 2) That the costs over the case about Rs.90000/- (Ninety thousand only).
- 3) That the applicant demanded the above mentioned costs, from the respondent, but denied by the respondent.

It is therefore humbly prayed that on acceptance of application, the respondent may be directed to pay the applicant, the above mentioned costs.

APPLICANT

FAZAL REHMAN S/O JABBAR KHAN  
R/O JUNGLE KHEL KOHAT  
POSTED AS SENIOR CLERK, IN THE  
OFFICE OF THE DISTRICT EDUCATION  
OFFICER (MALE) KDA COMPLEX KOHAT

2

**BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL**  
**PESHAWAR**

EXECUTION PETITION NO. \_\_\_\_\_/2023

In

SERVICE APPEAL NO.1473/2023

FAZAL REHMAN S/O JABBAR KHAN R/O JUNGLE KHEL  
KOHAT POSTED AS SENIOR CLERK, IN THE OFFICE OF  
THE DISTRICT EDUCATION OFFICER (MALE) KDA  
COMPLEX KOHAT..... (Applicant)

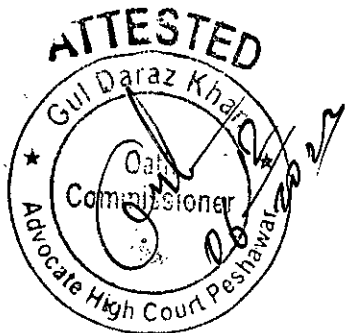
**VERSUS**

Muhammad Tahir S/O Usman Ghani SENIOR CLERK, IN THE OFFICE  
OF THE DISTRICT EDUCATION OFFICER (MALE) KDA COMPLEX  
KOHAT:.....(Respondent)

**AFFIDAVIT**

I, Fazal Rehman S/O Jabbar Khan R/O Mohallah Abdul Jalil Shinwari  
Jungle Khel Kohat, posted at in the office of the District Education Office  
(Male) KDA, Complex, Kohat, do hereby solemnly affirm and declare on  
oath that the contents of the accompanying Application are true and correct  
to the best of my knowledge and belief and nothing has been concealed from  
this Hon'ble Court.

APPLICANT



FAZAL REHMAN S/O JABBAR KHAN  
R/O JUNGLE KHEL KOHAT  
POSTED AS SENIOR CLERK, IN THE  
OFFICE OF THE DISTRICT EDUCATION  
OFFICER (MALE) KDA COMPLEX KOHAT  
Cell # 03339612710

Identified by

Hassan U.K. Afridi  
Advocate Supreme Court  
Cell No. 03009151963

Annex A

Service Appeal No 1473/2023 filed "Muhammad Tahir versus The District Education Officer (Male) Kohat and others" decided on 28.08.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Salah Ud Din Akbar Jindani, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN** ... CHAIRMAN  
**SALAH-UD-DIN** ... MEMBER (Judicial)

*Service Appeal No.1473/2023*

Date of presentation of Appeal.....17.07.2023  
Date of Hearing.....28.08.2023  
Date of Decision.....28.08.2023

Mr. Muhammad Tahir Senior Clerk District Education Office (male)  
Kohat ..... *Appellant*

Versus

1. The District Education Officer (Male), Kohat.
2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Fazal Rehman, Senior Clerk, GHSS Muslim Abad, Kohat..... *Respondents*

Present:

Mr. Muhammad Amin Khattak Lachi, Advocate .....For the appellant  
Mr. Fazal Shah Mohmand, Additional Advocate General ...For respondents No.1 to 3  
Mr. Hassan U.K Afridi, Advocate.....For Private respondent No.4

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION/OFFICE ORDER DATED 11.04.2023 WHEREBY APPELLANT WAS TRANSFERRED FROM THE OFFICE OF DISTRICT EDUCATION OFFICER (D.E.O) MALE KOHAT TO GHSS MUSLIM ABAD KOHAT AND ALL THE SUBSEQUENT ORDERS DATED 17.04.2023, 28.04.2023, 15.05.2023, 20.06.2023 & 04.07.2023.

**ATTESTED**

**ATTESTED**

**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Facts gleaned out from the memorandum of appeal are that appellant was appointed as Clerk (BP-07) in the office of District Education Officer (Male), Kohat. During service, he was promoted to the post of Senior Clerk (BPS-14). That on 04.03.2021 through mutual transfer, the appellant was transferred in the office of Respondent No.1; that on 11.04.2023, his services were struck off from the office of respondent No.1 and were handed over to GHSS Muslim Abad, Kohat; that being aggrieved from the impugned order dated 11.04.2023, he filed departmental appeal which was not responded to, therefore, he filed Writ Petition No.1580-P/2023 before the Hon'ble Peshawar High Court, Peshawar and on 03.05.2023 the respondents were directed to dispose of the departmental appeal of the appellant within 10 days, but fiasco; that in the meantime, vide corrigendum order dated 17.04.2023, the order dated 11.04.2023 was reverted. Therefore, the appellant approached the respondents and took charge as a Computer Operator in the office of respondent No.1 and again on 28.04.2023; the said corrigendum order was cancelled; that when the appellant approached the concerned school for taking charge on 15.05.2023, the corrigendum order was again restored; that when the appellant approached the Education Department for charge, then, again on 20.06.2023, previous order of 15.05.2023 was canceled and appellant was directed to approach the concerned school; that when the appellant approached the concerned school, again the impugned order dated

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**ATTESTED**

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11.04.2023 was restored on 04.07.2023. Therefore, he filed the instant service appeal before this Tribunal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellant, learned Additional Advocate General for official respondents and learned counsel for private respondent No.4.

04. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Additional Advocate General assisted by the learned counsel for private respondent No.4 controverted the same by supporting the impugned order(s).

05. The appellant has impugned the office order bearing endorsement No.3905-8 dated 11.04.2023. Only three grounds are urged by the learned counsel for the appellant before this Tribunal, one is that the appellant was successively being transferred as would be evident from the orders dated 11.04.2023, 17.04.2023, 28.04.2023, 15.05.2023, 20.06.2023 and 4.07.2023, secondly, that order dated 11.04.2023 (which is now in the field after its repeated cancellation and restoration), was premature and normal tenure of three years posting of the appellant was not yet completed and

ATTESTED

thirdly, that the appellant was transferred by the Director Elementary & Secondary Education, who had no power to transfer the appellant.

06. As to the first point mooted before us, we observe that successive transfers of the appellant i.e. from one place to other is not finding favor with us, as the above referred different orders show that the single order dated 11.04.2023 was being cancelled and restored time and again and there were no orders of transfer to different places. As to the second point of alleged premature transfer, admittedly, the appellant was transferred as Senior Clerk Education Office (Male), Kohat vide mutual transfer order dated 04.03.2021 and after completion of normal tenure of two years, he was transferred vide the impugned transfer order. According to the latest posting/transfer policy of the Provincial Government, the normal tenure of posting is now two years, therefore, this contention of the appellant could also not be given any weight. Now, coming to the last submission of the appellant that he was transferred by the Director Elementary & Secondary Education Khyber Pakhtunkhwa, who was not competent to transfer the appellant because the appellant was working against a district cadre post, the learned Additional Advocate General, representing the official respondents, has produced District Education Office (Male) Job Descriptions & Competencies and submitted that the post of the appellant was that of a provincial cadre post and the Director E&SE was very much competent to transfer the appellant. The above document could not be controverted by the

Appellant.

**ATTESTED**



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17. The upshot of the above discussion is that the appellant could not make out a case, therefore, finding no merit in this appeal, we dismiss the appeal with costs. Consign.

08. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 28<sup>th</sup> day of August, 2023.

**KALIM ARSHAD KHAN**  
Chairman

**SALAH-UD-DIN**  
Member (Judicial)

Shah

Verified to be true

EM  
Khyb  
Ser  
Peshawar

Date of Presentation of Application 29/8/23  
Number of Words Page 5  
Copying Fee \_\_\_\_\_  
\_\_\_\_\_ 25/- \_\_\_\_\_  
\_\_\_\_\_ 25/- \_\_\_\_\_  
Date of Completion of \_\_\_\_\_ 04/9/23  
Delivery of Copy \_\_\_\_\_ 04/9/23

**ATTESTED**

محمد طاہر سینیئر فلک دفتر (M) D.E.O کوہاٹ

8

جیسا کہ آپ کو معلوم ہے کہ ڈائریکٹر اعلیٰ لہور نے خیریت و کھتو کو خواہ

نے آپ کی تہہ ملی دفتر مورخہ 11/04/2023 کو (M) D.E.O کوہاٹ کے دفتر سے گورنمنٹ یا سٹیٹ سیکلری سکول مسلم آباد کوہاٹ کو تہہ مل کیا تھا۔ اور تمہاری حکم صوری تہہ ملی ہوئی تھی

اور بعد میں تم نے سروس ٹریسول لہور سے حکم امتیازی

لیا تھا۔ اور آپ کا کہیں مورخہ 28/08/2023 کو سروس ٹریسول

لہور نے فر پے کے ساتھ جواب دیا ہے جس میں

مجھے آپ نے فر لہی بھی بنا دیا تھا۔

پورے سروس پیر صبرا 90000/- نوے ہزاروں کا فر پے آ رہا ہے

لہذا مہربانی رک کے سروس ٹریسول کے صفحے کی روشنی

میں جمعے 90000/- ہزار روپے دے دیں ورنہ میں

صرفاً نے باقی کھنوا رکھتا ہوں۔

12  
7/2023

مورخہ 28/08/2023  
مستلک ہے

مفتیہ مورخہ 28/08/2023

Received.

فقیل الرحمن

S/C D.E.O (M)

Kohat

Muhammad Tahir S/C

D.E.O (M) Kohat.

رسید  
C. Ameer  
17

مبلغ = 10000/- (دس ہزار) داخل کارے ازاں مقصد لگان  
بابت ریٹ کار کوٹیک ٹالیٹا اور والیسی  
کوٹیک رسید نکھدی تاکہ سند رہیے۔

حوارف 27/7/2023

مسعود خان لقیم فود  
مسعود خان  
ڈیرا ٹنور

رسید

12

مبلغ ۱۵۰۰۰/- (دس ہزار) بابت ریٹ فار  
حکم ڈرائیور کو باٹ تالیٹا اور اور والیسی  
از ان فصل الامان و اصول پکار رسید تکھی  
جاکہ سندر ہے،

مورخہ ۱۷/۸/۲۰۲۳

عمران لقم خود

عمران ڈرائیور

رسید

13

مبلغ 10000/- دس ہزار ماہیت رسٹ کار  
محمد ڈرائیور کوٹک ٹالیٹا اور اولیسی  
ازال حضرت اللہمان و اولیا کر رسد تکدی  
تا کہ سزا رہے

28/8/2023 مورخہ

ارہفہ للہم بود  
ارہف ڈرائیور

رسیدہ آرڈر فیس عدالت

14

سید ابراہیم علی شاہ (پ) ڈسٹرکٹ جج، ایف ڈی ایف، لاہور

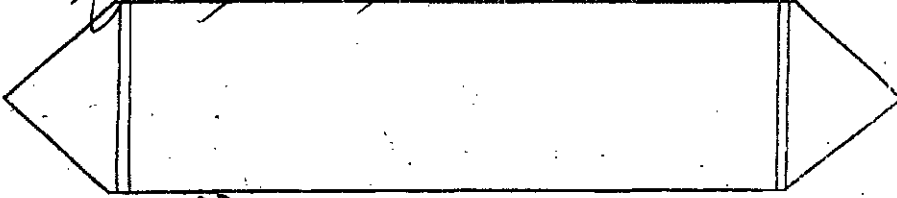
Service-MPL-1423/23

دستخط سید ابراہیم علی شاہ  
03-09-2023

03-09-2023

دستخط سید ابراہیم علی شاہ

بعد الٹ جفا۔ سرورس ٹریبیونل پبلک



22 ستمبر 2023ء

مختار الرحمن  
بنام

محمد طالب

مذبحہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و گل کاروائی متعلقہ  
آن مقام پشاور کیلئے حسین علی خان کی پیروی و کیلئے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی گل کاروائی کا کامل اختیار ہوگا۔ نیز  
ذکیل صاحب کو راضی نامہ کرنے و تقریر ثالثہ فیصلہ بر حلقہ دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے گل یا جزوی کاروائی کے واسطے اور ذکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جات التوائے مقدمہ کے سبب سے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو ذکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا اوکالت نامہ لکھدیا کہ سند ہے۔

الرقوم 6 ماہ دسمبر 2023

Attested  
واہ الب  
کے لئے منظور ہے

بمقام

*(Signature)*